

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALLSTATE INSURANCE COMPANY,
ALLSTATE INDEMNITY COMPANY,
ALLSTATE FIRE & CASUALTY INSURANCE
COMPANY, AND ALLSTATE PROPERTY &
CASUALTY INSURANCE COMPANY,

Docket No.: 17-CV-03731

Plaintiffs,

-against-

**ANSWER WITH
COUNTERCLAIM**

21ST CENTURY PHARMACY, INC. AND
ALBERT ALISHAYEV,

Defendants.

-----X
Defendants, 21ST CENTURY PHARMACY, INC. and ALBERT ALISHAYEV
(collectively, “Defendants”), by and through their attorneys, THE RUSSELL FRIEDMAN LAW
GROUP, LLP, as and for an Answer to Plaintiffs’ Complaint, allege as follows:

1. Deny the factual allegations contained in paragraph 1 of the Complaint and leave all questions of law to the Court for its ultimate determination.
2. Deny the allegations contained in paragraph 2 of the Complaint.
3. Deny the allegations contained in paragraph 3 of the Complaint.
4. Deny the allegations contained in paragraph 4 of the Complaint.
5. Deny the allegations contained in paragraph 5 of the Complaint.
6. Deny the factual allegations contained in paragraph 6 of the Complaint and leave all questions of law to the Court for its ultimate determination.
7. Deny the allegations contained in paragraph 7 of the Complaint.
8. Deny the allegations contained in paragraph 8 of the Complaint.

9. Deny the factual allegations contained in paragraph 9 of the Complaint and leave all questions of law to the Court for its ultimate determination.

10. Deny the factual allegations contained in paragraph 10 of the Complaint and leave all questions of law to the Court for its ultimate determination.

11. Deny the factual allegations contained in paragraph 11 of the Complaint and leave all questions of law to the Court for its ultimate determination.

12. Deny the allegations contained in paragraph 12 of the Complaint.

13. Deny the allegations contained in paragraph 13 of the Complaint.

14. Deny the allegations contained in paragraph 14 of the Complaint.

15. Deny the allegations contained in paragraph 15 of the Complaint.

16. Deny the allegations contained in paragraph 16 of the Complaint.

17. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 17 of the Complaint.

18. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 18 of the Complaint.

19. Admit the allegations contained in paragraph 19 of the Complaint.

20. Admit the allegations contained in paragraph 20 of the Complaint.

21. Deny the allegations contained in paragraph 21 of the Complaint, except admit that 21st Century provides legitimate pharmacy services and submits true and accurate billing to the appropriate individual or entity for such services.

22. Admit the allegations contained in paragraph 22 of the Complaint.

23. Admit the allegations contained in paragraph 23 of the Complaint.

24. Deny the allegations contained in paragraph 24 of the Complaint.

25. Deny the factual allegations contained in paragraph 25 of the Complaint and leave all questions of law to the Court for its ultimate determination.

26. Deny the factual allegations contained in paragraph 26 of the Complaint and leave all questions of law to the Court for its ultimate determination.

27. Deny the factual allegations contained in paragraph 27 of the Complaint and leave all questions of law to the Court for its ultimate determination.

28. Deny the allegations contained in paragraph 28 of the Complaint.

29. Deny the allegations contained in paragraph 29 of the Complaint.

30. Deny the allegations contained in paragraph 30 of the Complaint.

31. Deny the factual allegations contained in paragraph 31 of the Complaint and leave all questions of law to the Court for its ultimate determination.

32. Deny the factual allegations contained in paragraph 32 of the Complaint and leave all questions of law to the Court for its ultimate determination.

33. Deny the factual allegations contained in paragraph 33 of the Complaint and leave all questions of law to the Court for its ultimate determination.

34. Deny the factual allegations contained in paragraph 34 of the Complaint and leave all questions of law to the Court for its ultimate determination.

35. Deny the factual allegations contained in paragraph 35 of the Complaint and leave all questions of law to the Court for its ultimate determination.

36. Deny the factual allegations contained in paragraph 36 of the Complaint and leave all questions of law to the Court for its ultimate determination.

37. Deny the factual allegations contained in paragraph 37 of the Complaint and leave all questions of law to the Court for its ultimate determination.

38. Deny the factual allegations contained in paragraph 38 of the Complaint and leave all questions of law to the Court for its ultimate determination.

39. Deny the factual allegations contained in paragraph 39 of the Complaint and leave all questions of law to the Court for its ultimate determination.

40. Deny the factual allegations contained in paragraph 40 of the Complaint and leave all questions of law to the Court for its ultimate determination.

41. Deny the factual allegations contained in paragraph 41 of the Complaint and leave all questions of law to the Court for its ultimate determination.

42. Deny the factual allegations contained in paragraph 42 of the Complaint and leave all questions of law to the Court for its ultimate determination.

43. Deny the factual allegations contained in paragraph 43 of the Complaint and leave all questions of law to the Court for its ultimate determination.

44. Deny the factual allegations contained in paragraph 44 of the Complaint and leave all questions of law to the Court for its ultimate determination.

45. Deny the factual allegations contained in paragraph 45 of the Complaint and leave all questions of law to the Court for its ultimate determination.

46. Deny the factual allegations contained in paragraph 46 of the Complaint and leave all questions of law to the Court for its ultimate determination.

47. Deny the factual allegations contained in paragraph 47 of the Complaint and leave all questions of law to the Court for its ultimate determination.

48. Deny the factual allegations contained in paragraph 48 of the Complaint and leave all questions of law to the Court for its ultimate determination.

49. Deny the factual allegations contained in paragraph 49 of the Complaint and leave all questions of law to the Court for its ultimate determination.

50. Deny the factual allegations contained in paragraph 50 of the Complaint and leave all questions of law to the Court for its ultimate determination.

51. Deny the factual allegations contained in paragraph 51 of the Complaint and leave all questions of law to the Court for its ultimate determination.

52. Deny the factual allegations contained in paragraph 52 of the Complaint and leave all questions of law to the Court for its ultimate determination.

53. Deny the factual allegations contained in paragraph 53 of the Complaint and leave all questions of law to the Court for its ultimate determination.

54. Deny the factual allegations contained in paragraph 54 of the Complaint and leave all questions of law to the Court for its ultimate determination.

55. Deny the factual allegations contained in paragraph 55 of the Complaint and leave all questions of law to the Court for its ultimate determination.

56. Deny the factual allegations contained in paragraph 56 of the Complaint and leave all questions of law to the Court for its ultimate determination.

57. Deny the factual allegations contained in paragraph 57 of the Complaint and leave all questions of law to the Court for its ultimate determination.

58. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 58 of the Complaint.

59. Deny the factual allegations contained in paragraph 59 of the Complaint and leave all questions of law to the Court for its ultimate determination.

60. Deny the factual allegations contained in paragraph 60 of the Complaint and leave all questions of law to the Court for its ultimate determination.

61. Deny the factual allegations contained in paragraph 61 of the Complaint and leave all questions of law to the Court for its ultimate determination.

62. Deny the factual allegations contained in paragraph 62 of the Complaint and leave all questions of law to the Court for its ultimate determination.

63. Deny the factual allegations contained in paragraph 63 of the Complaint and leave all questions of law to the Court for its ultimate determination.

64. Deny the factual allegations contained in paragraph 64 of the Complaint and leave all questions of law to the Court for its ultimate determination.

65. Deny the factual allegations contained in paragraph 65 of the Complaint and leave all questions of law to the Court for its ultimate determination.

66. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 66 of the Complaint.

67. Deny the factual allegations contained in paragraph 67 of the Complaint and leave all questions of law to the Court for its ultimate determination.

68. Deny the factual allegations contained in paragraph 68 of the Complaint and leave all questions of law to the Court for its ultimate determination.

69. Deny the factual allegations contained in paragraph 69 of the Complaint and leave all questions of law to the Court for its ultimate determination.

70. Deny the factual allegations contained in paragraph 70 of the Complaint and leave all questions of law to the Court for its ultimate determination.

71. Deny the factual allegations contained in paragraph 71 of the Complaint and leave all questions of law to the Court for its ultimate determination.

72. Deny the factual allegations contained in paragraph 72 of the Complaint and leave all questions of law to the Court for its ultimate determination.

73. Deny the allegations contained in paragraph 73 of the Complaint.

74. Deny the allegations contained in paragraph 74 of the Complaint.

75. Deny the allegations contained in paragraph 75 of the Complaint.

76. Deny the allegations contained in paragraph 76 of the Complaint.

77. Deny the allegations contained in paragraph 77 of the Complaint.

78. Deny the allegations contained in paragraph 78 of the Complaint.

79. Deny the allegations contained in paragraph 79 of the Complaint.

80. Deny the allegations contained in paragraph 80 of the Complaint.

81. Deny the allegations contained in paragraph 81 of the Complaint.

82. Deny the allegations contained in paragraph 82 of the Complaint.

83. Deny the allegations contained in paragraph 83 of the Complaint.

84. Deny the allegations contained in paragraph 84 of the Complaint.

85. Deny the allegations contained in paragraph 85 of the Complaint.

86. Deny the allegations contained in paragraph 86 of the Complaint.

87. Deny the allegations contained in paragraph 87 of the Complaint.

88. Deny the allegations contained in paragraph 88 of the Complaint.

89. Deny the allegations contained in paragraph 89 of the Complaint.

90. Deny the allegations contained in paragraph 90 of the Complaint.

91. Deny the allegations contained in paragraph 91 of the Complaint.

92. Deny the allegations contained in paragraph 92 of the Complaint.

93. Deny the allegations contained in paragraph 93 of the Complaint.

94. Deny the factual allegations contained in paragraph 94 of the Complaint and leave all questions of law to the Court for its ultimate determination.

95. Deny the allegations contained in paragraph 95 of the Complaint.

96. Deny the allegations contained in paragraph 96 of the Complaint.

97. Deny the allegations contained in paragraph 97 of the Complaint.

98. Deny the allegations contained in paragraph 98 of the Complaint.

99. Deny the allegations contained in paragraph 99 of the Complaint.

100. Deny the allegations contained in paragraph 100 of the Complaint.

101. Deny the allegations contained in paragraph 101 of the Complaint.

102. Deny the allegations contained in paragraph 102 of the Complaint.

103. Deny the allegations contained in paragraph 103 of the Complaint.

104. Deny the allegations contained in paragraph 104 of the Complaint.

105. Deny the allegations contained in paragraph 105 of the Complaint.

106. Deny the allegations contained in paragraph 106 of the Complaint.

107. Deny the allegations contained in paragraph 107 of the Complaint.

108. Deny the allegations contained in paragraph 108 of the Complaint.

109. Deny the allegations contained in paragraph 109 of the Complaint.

110. Deny the allegations contained in paragraph 110 of the Complaint.

111. Deny the allegations contained in paragraph 111 of the Complaint.

112. Deny the allegations contained in paragraph 112 of the Complaint.

113. Deny the allegations contained in paragraph 113 of the Complaint.

114. Deny the allegations contained in paragraph 114 of the Complaint.

115. Deny the allegations contained in paragraph 115 of the Complaint.

116. Deny the allegations contained in paragraph 116 of the Complaint.

117. Deny the allegations contained in paragraph 117 of the Complaint.

118. Deny the allegations contained in paragraph 118 of the Complaint.

119. Deny the factual allegations contained in paragraph 119 of the Complaint and leave all questions of law to the Court for its ultimate determination.

120. Deny the factual allegations contained in paragraph 120 of the Complaint and leave all questions of law to the Court for its ultimate determination.

121. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 121 of the Complaint.

122. Deny the factual allegations contained in paragraph 122 of the Complaint and leave all questions of law to the Court for its ultimate determination.

123. Deny the allegations contained in paragraph 123 of the Complaint.

124. Deny the factual allegations contained in paragraph 124 of the Complaint and leave all questions of law to the Court for its ultimate determination.

125. Deny the allegations contained in paragraph 125 of the Complaint.

126. Deny the allegations contained in paragraph 126 of the Complaint.

127. Deny the allegations contained in paragraph 127 of the Complaint.

128. Deny the allegations contained in paragraph 128 of the Complaint.

129. Deny the allegations contained in paragraph 129 of the Complaint.

130. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 130 of the Complaint.

131. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 131 of the Complaint.

132. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 132 of the Complaint.

133. Deny the allegations contained in paragraph 133 of the Complaint.

134. Deny the allegations contained in paragraph 134 of the Complaint.

135. Deny the allegations contained in paragraph 135 of the Complaint.

136. Deny the allegations contained in paragraph 136 of the Complaint.

137. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 137 of the Complaint.

138. Deny the allegations contained in paragraph 138 of the Complaint.

139. Deny the allegations contained in paragraph 139 of the Complaint.

140. Deny the allegations contained in paragraph 140 of the Complaint.

141. Deny the allegations contained in paragraph 141 of the Complaint.

142. Deny the allegations contained in paragraph 142 of the Complaint.

143. Deny the allegations contained in paragraph 143 of the Complaint.

144. Deny the factual allegations contained in paragraph 144 of the Complaint and leave all questions of law to the Court for its ultimate determination.

145. Deny the factual allegations contained in paragraph 145 of the Complaint and leave all questions of law to the Court for its ultimate determination.

146. Deny the factual allegations contained in paragraph 146 of the Complaint and leave all questions of law to the Court for its ultimate determination.

147. Deny the factual allegations contained in paragraph 147 of the Complaint and leave all questions of law to the Court for its ultimate determination.

148. Deny the factual allegations contained in paragraph 148 of the Complaint and leave all questions of law to the Court for its ultimate determination.

149. Deny the factual allegations contained in paragraph 149 of the Complaint and leave all questions of law to the Court for its ultimate determination.

150. Deny the factual allegations contained in paragraph 150 of the Complaint and leave all questions of law to the Court for its ultimate determination.

151. Deny the allegations contained in paragraph 151 of the Complaint.

152. Deny the allegations contained in paragraph 152 of the Complaint.

153. Deny the allegations contained in paragraph 153 of the Complaint.

154. Deny the allegations contained in paragraph 154 of the Complaint.

155. Deny the factual allegations contained in paragraph 155 of the Complaint and leave all questions of law to the Court for its ultimate determination.

156. Deny the allegations contained in paragraph 156 of the Complaint.

157. Deny the allegations contained in paragraph 157 of the Complaint.

158. Deny the factual allegations contained in paragraph 158 of the Complaint and leave all questions of law to the Court for its ultimate determination.

159. Deny the allegations contained in paragraph 159 of the Complaint.

160. Deny the allegations contained in paragraph 160 of the Complaint.

161. Deny the allegations contained in paragraph 161 of the Complaint.

162. Deny the allegations contained in paragraph 162 of the Complaint.

163. Deny the allegations contained in paragraph 163 of the Complaint.

164. Deny the allegations contained in paragraph 164 of the Complaint.

165. Deny the allegations contained in paragraph 165 of the Complaint.

166. Deny the allegations contained in paragraph 166 of the Complaint.

167. Deny the allegations contained in paragraph 167 of the Complaint.

168. Deny the allegations contained in paragraph 168 of the Complaint.

169. Deny the allegations contained in paragraph 169 of the Complaint.

170. Deny the allegations contained in paragraph 170 of the Complaint.

171. Deny the factual allegations contained in paragraph 171 of the Complaint and leave all questions of law to the Court for its ultimate determination.

172. Deny the factual allegations contained in paragraph 172 of the Complaint and leave all questions of law to the Court for its ultimate determination.

173. Deny the allegations contained in paragraph 173 of the Complaint.

174. Deny the allegations contained in paragraph 174 of the Complaint.

175. Deny the allegations contained in paragraph 175 of the Complaint.

176. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 176 of the Complaint.

177. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 177 of the Complaint.

178. Deny the allegations contained in paragraph 178 of the Complaint.

179. Deny the allegations contained in paragraph 179 of the Complaint.

180. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 180 of the Complaint.

181. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 181 of the Complaint.

182. Deny the allegations contained in paragraph 182 of the Complaint.

183. Deny the allegations contained in paragraph 183 of the Complaint.

184. Deny the allegations contained in paragraph 184 of the Complaint.

185. Deny the allegations contained in paragraph 185 of the Complaint.

186. Deny the allegations contained in paragraph 186 of the Complaint.

187. Deny the allegations contained in paragraph 187 of the Complaint.

188. Deny the allegations contained in paragraph 188 of the Complaint.

189. Deny the allegations contained in paragraph 189 of the Complaint.

190. Deny the allegations contained in paragraph 190 of the Complaint.

191. Deny the allegations contained in paragraph 191 of the Complaint.

192. Deny the allegations contained in paragraph 192 of the Complaint.

193. Deny the allegations contained in paragraph 193 of the Complaint.

194. Deny the allegations contained in paragraph 194 of the Complaint.

195. Deny the allegations contained in paragraph 195 of the Complaint.

196. Deny the allegations contained in paragraph 196 of the Complaint.

197. Deny the allegations contained in paragraph 197 of the Complaint.

198. Deny the allegations contained in paragraph 198 of the Complaint.

199. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 199 of the Complaint.

200. Deny the allegations contained in paragraph 200 of the Complaint.

201. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 201 of the Complaint.

202. Deny the allegations contained in paragraph 202 of the Complaint.

203. Deny the allegations contained in paragraph 203 of the Complaint.

204. Deny the allegations contained in paragraph 204 of the Complaint.

205. Deny the allegations contained in paragraph 205 of the Complaint.

206. Deny the factual allegations contained in paragraph 206 of the Complaint and leave all questions of law to the Court for its ultimate determination.

207. Deny the allegations contained in paragraph 207 of the Complaint.

208. Deny the allegations contained in paragraph 208 of the Complaint.

209. Deny the allegations contained in paragraph 209 of the Complaint.

210. Deny the allegations contained in paragraph 210 of the Complaint.

211. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 211 of the Complaint.

212. Deny the allegations contained in paragraph 212 of the Complaint.

213. Deny the allegations contained in paragraph 213 of the Complaint.

214. Deny the allegations contained in paragraph 214 of the Complaint.

215. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 215 of the Complaint.

216. Deny the allegations contained in paragraph 216 of the Complaint.

217. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 217 of the Complaint.

218. Deny the allegations contained in paragraph 218 of the Complaint.

219. Deny the allegations contained in paragraph 219 of the Complaint.

220. Deny the allegations contained in paragraph 220 of the Complaint.

221. Deny the allegations contained in paragraph 221 of the Complaint.

222. Deny the factual allegations contained in paragraph 222 of the Complaint and leave all questions of law to the Court for its ultimate determination.

223. Deny the allegations contained in paragraph 223 of the Complaint.

224. Deny the allegations contained in paragraph 224 of the Complaint.

225. Deny the allegations contained in paragraph 225 of the Complaint.

226. Deny the allegations contained in paragraph 226 of the Complaint.

227. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 227 of the Complaint.

228. Deny the allegations contained in paragraph 228 of the Complaint.

229. Deny the allegations contained in paragraph 229 of the Complaint.

230. Deny the allegations contained in paragraph 230 of the Complaint.

231. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 231 of the Complaint.

232. Deny the allegations contained in paragraph 232 of the Complaint.

233. Deny the allegations contained in paragraph 233 of the Complaint.

234. Deny the allegations contained in paragraph 234 of the Complaint.

235. Deny the allegations contained in paragraph 235 of the Complaint.

236. Deny the allegations contained in paragraph 236 of the Complaint.

237. Deny the allegations contained in paragraph 237 of the Complaint.

238. Deny the allegations contained in paragraph 238 of the Complaint.

239. Deny the allegations contained in paragraph 239 of the Complaint.

240. Deny the allegations contained in paragraph 240 of the Complaint.

241. Deny the allegations contained in paragraph 241 of the Complaint.

242. Deny the allegations contained in paragraph 242 of the Complaint.

243. Deny the factual allegations contained in paragraph 243 of the Complaint and leave all questions of law to the Court for its ultimate determination.

244. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 244 of the Complaint.

245. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 245 of the Complaint.

246. Deny the factual allegations contained in paragraph 246 of the Complaint and leave all questions of law to the Court for its ultimate determination.

247. Deny the factual allegations contained in paragraph 247 of the Complaint and leave all questions of law to the Court for its ultimate determination.

248. Deny the factual allegations contained in paragraph 248 of the Complaint and leave all questions of law to the Court for its ultimate determination.

249. Deny the factual allegations contained in paragraph 249 of the Complaint and leave all questions of law to the Court for its ultimate determination.

250. Deny the allegations contained in paragraph 250 of the Complaint.

251. Deny the factual allegations contained in paragraph 251 of the Complaint and leave all questions of law to the Court for its ultimate determination.

252. Deny the factual allegations contained in paragraph 252 of the Complaint and leave all questions of law to the Court for its ultimate determination.

253. Deny the allegations contained in paragraph 253 of the Complaint.

254. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 254 of the Complaint.

255. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 255 of the Complaint.

256. Deny the allegations contained in paragraph 256 of the Complaint.

257. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 257 of the Complaint.

258. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 258 of the Complaint.

259. Deny the factual allegations contained in paragraph 259 of the Complaint and leave all questions of law to the Court for its ultimate determination.

260. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 260 of the Complaint.

261. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 261 of the Complaint.

262. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 262 of the Complaint.

263. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 263 of the Complaint.

264. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 264 of the Complaint.

265. Deny the allegations contained in paragraph 265 of the Complaint.

266. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 266 of the Complaint.

267. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 267 of the Complaint.

268. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 268 of the Complaint.

269. Deny the allegations contained in paragraph 269 of the Complaint.

270. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 270 of the Complaint.

271. Deny the allegations contained in paragraph 271 of the Complaint.

272. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 272 of the Complaint.

273. Deny the factual allegations contained in paragraph 273 of the Complaint and leave all questions of law to the Court for its ultimate determination.

274. Deny the factual allegations contained in paragraph 274 of the Complaint and leave all questions of law to the Court for its ultimate determination.

275. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 275 of the Complaint.

276. Deny the allegations contained in paragraph 276 of the Complaint.

277. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 277 of the Complaint.

278. Deny the allegations contained in paragraph 278 of the Complaint.

279. Deny the allegations contained in paragraph 279 of the Complaint.

280. Deny the allegations contained in paragraph 280 of the Complaint.

281. Deny the allegations contained in paragraph 281 of the Complaint.

282. Deny the allegations contained in paragraph 282 of the Complaint.

283. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 283 of the Complaint.

284. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 284 of the Complaint.

285. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 285 of the Complaint.

286. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 286 of the Complaint.

287. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 287 of the Complaint.

288. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 288 of the Complaint.

289. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 289 of the Complaint.

290. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 290 of the Complaint.

291. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 291 of the Complaint.

292. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 292 of the Complaint.

293. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 293 of the Complaint.

294. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 294 of the Complaint.

295. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 295 of the Complaint.

296. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 296 of the Complaint.

297. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 297 of the Complaint.

298. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 298 of the Complaint.

299. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 299 of the Complaint.

300. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 300 of the Complaint.

301. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 301 of the Complaint.

302. Deny the allegations contained in paragraph 302 of the Complaint.

303. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 303 of the Complaint.

304. Deny knowledge and information sufficient to form a belief as to the allegations contained in paragraph 304 of the Complaint.

- 305. Deny the allegations contained in paragraph 305 of the Complaint.
- 306. Deny the allegations contained in paragraph 306 of the Complaint.
- 307. Deny the allegations contained in paragraph 307 of the Complaint.
- 308. Deny the allegations contained in paragraph 308 of the Complaint.
- 309. Deny the allegations contained in paragraph 309 of the Complaint.
- 310. Deny the allegations contained in paragraph 310 of the Complaint.
- 311. Deny the allegations contained in paragraph 311 of the Complaint.
- 312. Deny the allegations contained in paragraph 312 of the Complaint.
- 313. Deny the allegations contained in paragraph 313 of the Complaint.
- 314. Deny the allegations contained in paragraph 314 of the Complaint.
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- 316. Deny the allegations contained in paragraph 316 of the Complaint.
- 317. Deny the allegations contained in paragraph 317 of the Complaint.
- 318. Deny the allegations contained in paragraph 318 of the Complaint.
- 319. Deny the allegations contained in paragraph 319 of the Complaint.
- 320. Deny the allegations contained in paragraph 320 of the Complaint.
- 321. Deny the factual allegations contained in paragraph 321 of the Complaint and leave
all questions of law to the Court for its ultimate determination.
- 322. Deny the allegations contained in paragraph 322 of the Complaint.
- 323. Deny the allegations contained in paragraph 323 of the Complaint.
- 324. Deny the allegations contained in paragraph 324 of the Complaint.
- 325. Deny the allegations contained in paragraph 325 of the Complaint.
- 326. Deny the allegations contained in paragraph 326 of the Complaint.

327. Deny the allegations contained in paragraph 327 of the Complaint.

328. Deny the allegations contained in paragraph 328 of the Complaint.

329. Deny the allegations contained in paragraph 329 of the Complaint.

AS AND FOR A RESPONSE TO THE FIRST CAUSE OF ACTION

330. As to the allegations contained in paragraph 330 of the Complaint, repeat, reiterate and re-allege each and every admission and denial previously made.

331. Deny the allegations contained in paragraph 331 of the Complaint.

332. Deny the allegations contained in paragraph 332 of the Complaint.

333. Deny the allegations contained in paragraph 333 of the Complaint.

334. Deny the allegations contained in paragraph 334 of the Complaint.

335. Deny the allegations contained in paragraph 335 of the Complaint.

336. Deny the allegations contained in paragraph 336 of the Complaint.

337. Deny the allegations contained in paragraph 337 of the Complaint.

338. Deny the allegations contained in paragraph 338 of the Complaint.

339. Deny the allegations contained in paragraph 339 of the Complaint.

340. Deny the allegations contained in paragraph 340 of the Complaint.

341. Deny the allegations contained in paragraph 341 of the Complaint.

342. Deny the allegations contained in paragraph 342 of the Complaint.

343. Deny the allegations contained in paragraph 343 of the Complaint.

344. Deny the allegations contained in paragraph 344 of the Complaint.

345. Deny the allegations contained in paragraph 345 of the Complaint.

346. Deny the allegations contained in paragraph 346 of the Complaint.

347. Deny the allegations contained in paragraph 347 of the Complaint.

AS AND FOR A RESPONSE TO THE SECOND CAUSE OF ACTION

348. As to the allegations contained in paragraph 348 of the Complaint, repeat, reiterate and re-allege each and every admission and denial previously made.

349. Deny the allegations contained in paragraph 349 of the Complaint.

350. Deny the allegations contained in paragraph 350 of the Complaint.

351. Deny the allegations contained in paragraph 351 of the Complaint.

352. Deny the allegations contained in paragraph 352 of the Complaint.

353. Deny the allegations contained in paragraph 353 of the Complaint.

354. Deny the allegations contained in paragraph 354 of the Complaint.

355. Deny the allegations contained in paragraph 355 of the Complaint.

356. Deny the allegations contained in paragraph 356 of the Complaint.

AS AND FOR A RESPONSE TO THE THIRD CAUSE OF ACTION

357. As to the allegations contained in paragraph 357 of the Complaint, repeat, reiterate and re-allege each and every admission and denial previously made.

358. Deny the allegations contained in paragraph 358 of the Complaint.

359. Deny the allegations contained in paragraph 359 of the Complaint.

360. Deny the allegations contained in paragraph 360 of the Complaint.

361. Deny the allegations contained in paragraph 361 of the Complaint.

362. Deny the allegations contained in paragraph 362 of the Complaint.

363. Deny the allegations contained in paragraph 363 of the Complaint.

364. Deny the allegations contained in paragraph 364 of the Complaint.

365. Deny the allegations contained in paragraph 365 of the Complaint.

366. Deny the allegations contained in paragraph 366 of the Complaint.

AS AND FOR A RESPONSE TO THE FOURTH CAUSE OF ACTION

367. As to the allegations contained in paragraph 367 of the Complaint, repeat, reiterate and re-allege each and every admission and denial previously made.

368. Deny the allegations contained in paragraph 368 of the Complaint.

369. Deny the allegations contained in paragraph 369 of the Complaint.

370. Deny the allegations contained in paragraph 370 of the Complaint.

371. Deny the allegations contained in paragraph 371 of the Complaint.

372. Deny the allegations contained in paragraph 372 of the Complaint.

373. Deny the allegations contained in paragraph 373 of the Complaint.

374. Deny the allegations contained in paragraph 374 of the Complaint.

375. Deny the allegations contained in paragraph 375 of the Complaint.

376. Deny the allegations contained in paragraph 376 of the Complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

377. The Complaint fails to state a cause of action against Defendants.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

378. The actions taken by Defendants were made in good faith, without malice and in conformity with any and all applicable laws.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

379. The actions complained of were in full accord with applicable State and Federal law.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

380. All or part of Plaintiffs' claims are barred by the doctrine of unclean hands.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

381. All or part of Plaintiffs' claims are barred by the doctrines of res judicata and/or collateral estoppel.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

382. Any and all reliance by Plaintiffs was unreasonable as a matter of law.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

383. All or part of Plaintiffs' claims are barred by the doctrine of laches.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

384. The Complaint fails to state a cause of action as it fails to properly allege all requisite elements of a RICO conspiracy under 18 USC 1962(c).

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

385. Plaintiffs have failed to meet statutory and/or legal conditions precedent to bring some or all the allegations contained in the Complaint.

AS AND FOR AN TENTH AFFIRMATIVE DEFENSE

386. All or part of the Complaint is barred by the statute of limitations.

JURY DEMAND

387. Pursuant to FRCP 38(b), Defendants demand a trial by jury.

AS AND FOR 21ST CENTURY PHARMACY, INC.'S COUNTERCLAIM

1. The Plaintiffs include an insurance carrier which has commenced an action which seeks declarations that it is not required to defend claims accruing under policies which it provided to various insureds.

2. The Plaintiffs include an insurance carrier which has commenced an action which seeks declarations that it is not required to pay first party benefits accruing under policies which it provided to various insureds.

3. The Plaintiffs' actions serve to unduly burden medical providers such as Defendant, 21st Century Pharmacy Inc., by requiring them to participate in a lawsuit which would not have been necessary had the Plaintiffs followed the New York State Insurance Department's Regulations governing the investigation of claims for no-fault benefits.

4. Under New York law, an insured who is cast in a defensive posture by the legal steps an insurer takes in an effort to free itself from its policy obligations and who prevails on the merits, may recover attorneys' fees incurred in defending against the insurer's action.

5. Defendant, 21st Century Pharmacy Inc., has been assigned the rights of Plaintiffs' insureds and, therefore, has "stepped into the insureds' shoes". As such, Defendant, 21st Century Pharmacy Inc., is entitled to legal reimbursement after having been cast in a defensive posture.

6. Under New York law, an insurer's duty to defend an insured extends to the defense of any action arising out of the occurrence, including a defense against an insurer's declaratory judgment action.

7. As Plaintiffs have commenced a declaratory judgment action which unnecessarily burdens Defendant, 21st Century Pharmacy Inc., Plaintiffs will be responsible for Defendant, 21st Century Pharmacy Inc.'s, attorney's fees, should Defendant, 21st Century Pharmacy Inc., prevail on the merits.

WHEREFORE, Defendants demand judgment dismissing Plaintiffs' Complaint in its entirety, granting Defendant, 21st Century Pharmacy Inc.'s, counterclaim and that the Court award

such other and further relief including but not limited to an award of the costs and disbursements of this action as well as the attorney's fees sustained in the defense of the within action.

Dated: Lake Success, New York
July 7, 2017

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